

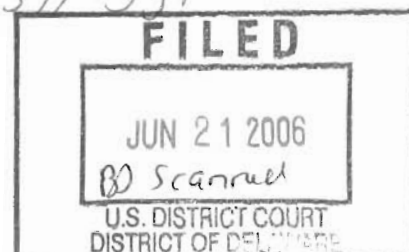
IN THE UNITED STATES District Court
For THE District of Delaware

JAMES A. Wilson, et. Al.
Plaintiffs,

v.

STANLEY TAYLOR, et. Al.
Defendants

C.A. NO. 05-399-JJF



Plaintiffs Memorandum of Points and Authorities in
support of their Opposition to Defendants Motion to
Diss / Summary Judgment, Amended Motion Support

Plaintiffs filed this law suit on June 15, 2005. On August 11, 2005
plaintiffs filed the first Amended complaint. Defendants filed
a motion to Diss on April 18, 2006. On May 5, 2006 Plaintiffs
filed an answer to Defendants motion to Diss. Plaintiffs also
filed motion to Amend the complaint

Dealing with Retaliation

Inmate Wilson was moved to A.S.D.A. out of the merit
building, then to P.I. building where he was classified
to M.H.U. D.C.C. where he now reside. Inmate Wilson
has ^(pending grievances) no write-ups and was not given any hearing for
his moving to A.S.D.A. P.I. and D.C.C. M.H.U.

Inmate Wilson was Told by Karl Pauline officer that
works at S.C.I that the institution was trying to
do him like they did Robert Saunders (they moved inmate
Saunders because he filed grievances).

Inmate Wilson was classified to the Meit building and worked as a Tutor in the Educational department. Due process is the right to be heard, confront my accuser etc.

Inmate Wilson was moved and denied his due process. Inmate Wilson was constantly harassed by % Stoltenbach and was written up by % Stoltenbach while % Stoltenbach did not write up the white inmates. *Bart v. Telford*, 677 F.2d 622 (7th Cir 1982).

The institution is now retaliating against inmate Wilson violating his Constitutional Rights to express his 1st Amend. Rights to Freedom of expression. Inmate Wilson was doing something that he had a constitutional right to do. (file grievances and law suits). The institution's actions toward inmate Wilson was "Adverse Action" for him filing grievances and law suits, this "CAUSAL connection" is because of inmates Wilson expressing his first amendment Right. The institution's Adverse Action is directly related to inmate Wilson's protected conduct.

Inmate Wilson should have not been transferred to D.C.C. or Administrative moved for filing law suits or grievances. *Allan v. Seiverling*, 229 F.3d 220 (3d Cir. 2000)

In the plaintiffs prayer for relief (f.) plaintiffs asks the Court for an Order restraining defendants to prevent any physical, mental, direct or indirect harassment, treatment or unfair classification, Administrative movement, or illegal transfer of plaintiffs as a result of their filing their complaint. Inmate Wilson is housed in the M.H.U. where he only comes out 2 hrs a day. Legal access has

Inmate Wilson has a liberty interest when the prison's actions interfere with or violate his constitutionally protected rights. Inmate Wilson was housed in the meet building and working as a Tutor when he was moved and classified to D.C.C. ~~to~~ Inmate Wilson is no longer earning good time or wages and was moved for no inflections. His procedural due process has been violated along with liberty interest.

Inmate Wilson and plaintiffs are not complaining about classification, housing or jobs. Plaintiffs are complaining that there due process is being violated. When plaintiffs are not given the right to appeal and no sanctions before being classified out of the building.

IN *Wolff v. McDonnell*, 418 U.S. 539 (1974), THE Supreme Court found that, when prisoners lose good time credits because of a disciplinary ~~action~~ violation they are entitled to: (1) written notice of the disciplinary violation; (2) the right to call witnesses at their hearing; (3) assistance in preparing for the hearing; (4) a written statement of the reasons for being found guilty; and (5) a fair and impartial decision-maker in the hearing.

Plaintiffs filed complaint alleging that they are not being given affordable due process SEE Complaint

In plaintiffs complaint Disciplinary-Interactional Racial Discrimination #16 Black prisoners in the Merit building. Primarily if not exclusively westside black prisoners, are denied procedural due process at disciplinary hearings as follow: (A) Refusal to call black prisoners' witnesses; (b) Failure to provide a meaningful explanation of finding of guilt; (c) Convicting black prisoners of disciplinary offense that are unsupported by any evidence; and (d) Supervisory official failure to correct due process violations on administrative appeal.

Plaintiffs suggest that Defendants lead the complaint as the Court has recognized cognizable claims: Fourteenth Amendment due process claim, equal protection claim and Eight Amendment claims.

Inmates Nathan Nixey, Eldon Potts, Jerome Green, Howard Parker, and James Wilson has been moved out of the Merit building in violation of their Constitutional rights. Inmate Wilson is personally injured by the institutions

Conclusion

For all the reasons stated above, Plaintiffs respectfully request this Honorable Court enter an order granting Plaintiffs motion to Amend and deny defendants motion to Diss and Summary Judgment

Dated: June 18, 2006

James Wilson et al
M.H.U. Building #23 C-L-6
1181 Pollock Rd.
Smyrna, DE. 19977 (D.C.C.) (4)

I James Wilson, depose that I sent the following
Plaintiffs memorandum of points and authorities in support
of their opposition to defendants motion to Dismiss Summary
Judgment, Amended motion support. To the following entities:

MS. Lisa Barchi
Deputy Attorney General
Department of Justice
820 N. French St 6th Fl.
Wilm, DE. 19801

U.S. District Court
JJF
844 King St, Lockbox 18
Wilm, DE. 19801-3570

by placing in the U.S. Mail on this 18 DAY of
JUNE 2006

Date 6/18/06

James A. Wilson
et al.

I/M: James Wilson BLDG: M.H.U. Build #23 C-L-6

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